

**VIRGINIA BOARD OF MEDICINE
LEGISLATIVE COMMITTEE**

MINUTES

February 13, 2004

The Legislative Committee chaired by Carol E. Comstock, RN met on Friday, February 13, 2004 at 8:00 a.m., at the Department of Health Professions ("DHP"). A quorum was present.

MEMBERS PRESENT: Carol E. Comstock, RN, Chair
Robert J. Bettini, MD
Christine Ober Bridge
Malcolm L. Cothran, Jr., MD
Stephen E. Heretick, JD
Thomas B. Leecost, MD, DPM

MEMBERS ABSENT: Robert P. Nirschl, MD

STAFF PRESENT: William L. Harp, MD, Executive Director
Ola Powers, Deputy Executive Director of Licensure
Karen W. Perrine, Deputy Executive Director of Discipline
Barbara Matusiak, Medical Review Coordinator
Elaine Yeatts, DHP Senior Regulatory Analyst
Emily Wingfield, Assistant Attorney General
Robert Nebiker, Director, DHP
Colanthia Morton Opher, Recording Secretary

GUESTS PRESENT: Stefan Cox, Virginia Society of Ophthalmology
Dianne Reynolds-Cane, MD

APPROVAL OF MINUTES OF SEPTEMBER 26, 2003

Dr. Cothran moved to approve the minutes of September 26, 2003. The motion was seconded, discussed and carried unanimously.

ADOPTION OF AGENDA

Dr. Leecost moved to adopt the agenda. The motion was seconded and carried.

PUBLIC COMMENT ON AGENDA ITEMS

Stefan Cox with the Virginia Society of Ophthalmology addressed HB856 and asked the Board to take a position in opposition of the bill.

#1. Chart of regulatory action.

Ms. Yeatts presented the Board of Medicine regulatory action chart. No action was necessary.

#2. Proposed regulations for fee increases pursuant to HB 1441 (18 VAC 85-20-10 et. seq.).

Ms. Yeatts explained that the public comment period on proposed regulations for fee increases ends February 13, 2004 and that regulations must be submitted to the registrar by May 16, 2004. She stated that the Executive Committee would need to act on these regulations in March. There had been no comment. Mr. Nebiker advised that there is a proposed budget amendment to delete the \$560,000 transfer from the Board of Medicine funds to the Department of Health that was in the 2005-2006 budget bill; however, this is unrelated to the fee increases at hand.

#3. Consideration of FSMB Model Policy Guidelines for Opioid Addiction Treatment in the Medical Office as a guidance document.

Dr. Cothran moved to recommend to the Full Board the adoption of the FSMB Model Policy Guidelines for Opioid Addiction Treatment as a guidance document. The motion was discussed, seconded and carried.

#4. Comment on proposal by Board of Pharmacy to amend regulations on time limit for refills of Schedule VI drugs.

Ms. Yeatts informed the Committee that the Board of Pharmacy has proposed regulations that would amend the time limit to refill Schedule VI from two years to one year. The Board of Pharmacy asked for the Board of Medicine's input. Dr. Bettini moved to recommend to the Full Board to oppose this amended regulation. The motion was seconded, discussed and carried.

#5. Proposed legislation from the 2004 session of the General Assembly.

Ms. Yeatts presented and discussed several bills affecting the Board of Medicine. There was concern regarding HB856 – the expansion of prescriptive authority of optometry therapeutic pharmaceutical authorization certification to prescribe Schedule III-VI related to the human eye and remove the prohibition of the use of invasive modalities. It also allows primary feature of glaucoma. Dr. Bettini recommends opposing this regulation. This motion was seconded, and

discussed. Ms. Bridge offered a substitute motion to support the bill, with re-insertion of lines 110-114. The motion was seconded and carried with Dr. Bettini opposing.

#6. Consideration of a new date for the next Legislative Committee Meeting.

Ms. Comstock advised that it was brought to her attention that the Advisory board meetings would not be held prior to the next scheduled Legislative meeting date of May 14, 2004. After discussion, the next meeting date and time was change to May 27, 2004 at 8:30 a.m.

#7. Sanction Reference Manual Training.

Mr. Neal Kauder conducted a hands-on training session for the members present.

NEXT SCHEDULED MEETING

The next meeting of the Legislative Committee is scheduled for May 27, 2004 at 8:30 a.m.

ADJOURNMENT

With no further business to discuss, the Legislative Committee of the Board of Medicine adjourned.

Carol E. Comstock, RN
Chair

William L. Harp, MD
Executive Director

Colanthia Morton Opher
Recording Secretary